

1 BENJAMIN L. COLEMAN
2 California State Bar No. 187609
3 COLEMAN & BALOGH LLP
4 1350 Columbia Street, Suite 600
5 San Diego, California 92101
6 Telephone No. (619) 794-0420
7 Facsimile No. (619) 652-9964
8 blc@colemanbalogh.com

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10 Attorneys for Defendant Leroy Baca

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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 LEROY BACA,

19 Defendant.

20) Case No. CR 16-00066-PA

21) JOINT APPLICATION AND
22) STIPULATION TO SET BRIEFING
23) SCHEDULE ON BAIL PENDING
24) APPEAL MOTION AND TO EXTEND
25) SURRENDER DATE

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28 Defendant Leroy Baca and plaintiff United States of America, through their
counsel of record, hereby file this joint application and stipulation to set briefing schedule
on defendant's bail pending appeal motion and to extend surrender date. In response to
the Ninth Circuit's August 23, 2017 order, the parties jointly request that the Court order
defendant to file his new application for bail pending appeal by August 28, 2017, the
government to file its opposition by August 30, 2017, and defendant to file any reply by
September 1, 2017. The parties stipulate to extend defendant's surrender date and that he
may remain on release pending resolution of his bail pending application and, if this Court
denies his application, defendant shall file any motion for bail pending appeal with the
Ninth Circuit within two days of this Court's denial, which will continue defendant on
release status until his motion is resolved by the Ninth Circuit. This application is based
upon the attached declaration of Benjamin L. Coleman, and the files and records in this
case.

Respectfully submitted,

*s/*Benjamin L. Coleman

BENJAMIN L. COLEMAN
Attorney for Defendant
Leroy Baca

Dated: August 23, 2017

s/Lizabeth A. Rhodes
(Elizabeth A. Rhodes)

s/Eddie A. Jauregui
s/Burnell Alday

s/Bram Alden
ELIZABETH A.

LIZABETH A. RHODES
EDDIE A. JAUREGUI

EDDIE A. JAUREGUI BRAM ALDEN

BRAM ALDEN Assistant United

Assistant United States Attorneys
Attorney for Plaintiff
United States of America

DECLARATION OF BENJAMIN L. COLEMAN

1. I am an attorney admitted to practice in the Central District of California and have been retained to represent defendant Leroy Baca on appeal of his convictions in this case.

2. Today, August 23, 2017, the Ninth Circuit issued an order denying Mr. Baca's motion for bail pending appeal without prejudice to him "filing a new application for bail in the district court accompanied by evidence or argument specifically addressing whether this appeal was filed for purpose of delay."

9 3. Today, August 23, 2017, I spoke with Lizabeth A. Rhodes, Eddie A.
10 Jauregui, and Bram Alden, the attorneys representing the government before this Court
11 and the Ninth Circuit in this matter. We agreed on suggesting the proposed expedited
12 briefing schedule to this Court for a new application for bail pending appeal and that Mr.
13 Baca could remain on release pending final resolution of the bail pending appeal
14 proceedings. They have given me permission to place their electronic signatures on this
15 motion and approve of the form of the proposed order granting this application.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 23, 2017, in San Diego, California.

s/*Benjamin L. Coleman*
BENJAMIN L. COLEMAN
Attorney for Defendant
Leroy Baca